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Plan Submitter, RPF, and LTO Responsibilities, 2000

Rule Changes for Consideration by the Interim Committee

The following language represents tentative proposed changes to the current Forest Practice Rules. The Chairman of the Board's Interim Committee requested that Board staff make the **DRAFT** language available to the public for review to generate a discussion of issues related to the tentative changes. The changes will be discussed with full public participation at future Interim Committee meetings. Any committee discussion of issues related to this **DRAFT** language will be publicly noticed as an agenda item of the Board's Interim Committee Agenda. Please direct any questions to the Board's staff.

This copy of the **DRAFT** language uses UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion.

1035 Plan Submitter Responsibility

The plan submitter, or successor in interest, shall:

- (a)** Ensure that an RPF conducts any activities which require an RPF.
- (b)** Provide the RPF preparing the plan or amendments with complete and correct information regarding pertinent legal rights to, interests in, and responsibilities for land, timber, and access as these affect the planning and conduct of timber operations.
- (c)** Sign the THP certifying knowledge of the plan contents and the requirements of this section.
- (d)** Retain an RPF to provide professional advice to the LTO and timberland owner on a continuing basis throughout the timber operations.
- (e)** Within five working days of change in RPF responsibilities for THP implementation or substitution of another RPF, file with the Director a notice which states the RPF's name and registration number, address, and subsequent responsibilities for any RPF required fieldwork, amendment preparation, or operation supervision. Corporations need not file notification because the RPF of record on each document is the responsible person.
- (f)** Provide a copy of the portions of the approved THP and any approved operational amendments to the LTO containing the General Information, Plan of Operations, THP

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Map, Yarding System Map, Erosion Hazard Rating Map and any other information deemed by the RPF to be necessary for timber operations.

(g) The plan submitter shall notify the Director prior to commencement of site preparation operations. Receipt of a burning permit is sufficient notice.

(h) Disclose to the LTO, prior to the start of operations, through an on-the-ground meeting, the location and protection measures for any archaeological or historical sites requiring protection if the RPF has submitted written notification to the plan submitter that the plan submitter needs to provide the LTO with this information.

1035.1 Registered Professional Forester Responsibility

(a) Upon submission of a THP, the RPF who prepares and signs a plan is responsible for the accuracy and completeness of its contents. The RPF preparing the plan shall:

(1) Disclose to the timberland owner, timber owner, and plan submitter any current or pending financial interest the RPF has with regard to the LTO, plan submitter, timberland owner, timber owner, and timber purchaser, in regard to the timber or land that is subject of the plan. The disclosure shall include identification of the real party of interest for whom the RPF is providing professional forestry services.

(2) State in the THP the work which will be performed by the RPF plan preparer (beyond preparation of the THP and attending the pre-harvest inspection if requested by the Director), and any additional work requiring an RPF which the plan preparer does not intend to perform. This may include, but is not limited to, field work in identifying watercourse and lake protection zones or special treatment areas, marking trees, or other activities. The RPF is only responsible for the activities set forth in the plan when employed for that purpose, or required by the rules of the Board. The RPF shall state whether or not he or she has been retained to provide professional advice throughout the timber operations.

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(3) In writing, inform the plan submitter(s) of their responsibility pursuant to Section 1035 of this Article, and the timberland owner(s) of their responsibility for compliance with the requirements of the Act and where applicable, Board rules regarding site preparation, stocking, and maintenance of roads, landings, and erosion control facilities.

(b) An RPF retained by the plan submitter to provide professional advice throughout the timber operations shall:

(1) Be present on the harvest area at a sufficient frequency to know the progress of operations and advise the LTO and timberland owner.

(2) Be authorized by the plan submitter, timberland owner (if a plan signatory), and the LTO, in writing and made part of the plan, to require the LTO to stop active timber operations if the RPF determines that work stoppage is needed to remediate or prevent imminent resource damage or to prevent substantial deviation from the plan. The work stoppage shall be of sufficient duration to remedy the condition that resulted in the work stoppage.

(3) Inform the LTO of potential environmental impacts and the mitigation measures to be taken to minimize such impacts.

1035.2 Interaction Between RPF and LTO

After the start of the plan preparation process but before commencement of operations, the responsible RPF or supervised designee familiar with on-site conditions, shall meet with either the LTO, or supervised designee, who will be on the ground and directly responsible for the harvesting operation. The meeting shall be on-site if requested by either the RPF or LTO. An on-site meeting is required between the RPF or supervised designee familiar with on-site conditions and LTO to discuss protection of any archaeological or historical sites requiring protection if any such sites exist within the site survey area pursuant to Section 929.2[949.2,969.2](b). If any amendment is incorporated to the plan by an RPF after the first

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meeting, that RPF or supervised designee familiar with on-site conditions shall comply with the intent of this section by explaining relevant changes to the LTO; if requested by either that RPF or LTO, another on-site meeting shall take place. The intent of any such meeting is to assure that the LTO:

- a) Is advised of any sensitive on-site conditions requiring special care during operations.
- b) Is advised regarding the intent and applicable provisions of the approved plan including amendments.

1035.3 Licensed Timber Operator Responsibilities

Each licensed Timber Operator shall:

- (a) Sign the plan and major amendments thereto, or sign and file with the director a facsimile thereof prior to commencement or continuation of operations thereunder agreeing to abide by the terms and specifications of the plan.
- (b) Inform the responsible RPF or plan submitter, whether in writing or orally, of any site conditions which in the LTO's opinion prevent implementation of the approved plan including amendments.
- (c) Be responsible for the work of his or her employees and familiarize all employees with the intent and details of the operational and protection measures of the plan and amendments that apply to their work.
- (d) Keep a copy of the applicable approved plan and amendments available for reference at the site of active timber operations. The LTO is not required to possess any confidential addenda to the plan such as the Confidential Archaeological Addendum, nor is the LTO required to keep a copy of such confidential plan addenda at the site of active timber operations.
- (e) Comply with all provisions of the Act, Board rules and regulations, the applicable approved plan and any approved amendments to the plan.

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(f) In the event that the LTO executing the plan was not available to attend the on-site meeting to discuss archaeological site protection with the RPF or supervised designee familiar with on-site conditions pursuant to Section 929.2 [949.2, 969.2] (b), it shall be the responsibility of the LTO executing the plan to inquire with the plan submitter, timberland owner, or their authorized agent, RPF who wrote the plan, or the supervised designee familiar with on-site conditions, in order to determine if any mitigation measures or specific operating instructions are contained in the Confidential Archaeological Addendum or any other confidential addendum to the plan.

(g) Provide the RPF responsible for professional advice throughout the timber operations an on-site contact employee authorized by the LTO to receive RPF advice and, if required, to stop active timber operations.ⁱ

ⁱ Version 11/1/99